GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA

STARRED QUESTION NO:322
ANSWERED ON:15.04.2008
CUSTODIAL DEATHS
Agarwal Shri Dhirendra;Patel Shri Jivabhai Ambalal

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether there has been a rise in the number of deaths in police custody in the country;

(b) if so, the number of such cases registered/reported during each of the last three years and in the current year, Statewise;

(c) the number of police personnel found guilty against whom the Government has taken action so far, State-wise; and

(d) the steps taken by the Union Government to check such activities of police personnel alongwith the steps being taken to provide compensation to the affected persons?

Answer

MINISTER OF THE STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI SRIPRAKASH JAISWAL)

(a) to (c): The National Human Rights Commission (NHRC), has issued guidelines to all State Governments/Union Territories to inform the Commission about incidents of custodial deaths within twentyfour hours of occurrence. As per information made available by the NHRC, the number of deaths in police custody reported to it by State Governments during the last four years are as under:

Year	No.of deaths
2004-2005	136
2005-2006	139
2006-2007	118
2007-2008	188

State-wise break-up is annexed.

The Commission also recommends departmental/disciplinary action, as well as initiation of prosecution against delinquent officials in cases where, prima-facie, case of custodial violence is established. During the period in question, the NHRC has recommended disciplinary action in eight cases and prosecution in three cases. During this period, NHRC has also awarded a total interim relief/compensation of Rs. 69.45 lakhs in cases of deaths in police custody.

(d):The Government has taken a number of steps to check possible incidents of custodial violence/deaths.

The Ministry circulated the important guidelines as directed by Hob'ble Supreme Court in the case of D.K. Basu Vs. State of West Bengal which are to be followed by all authorities concerned while making the arrests. Amendments have also been proposed in the Cr. P.C. through the Code of Criminal Procedure (Amendment) Bill,2006 which are, inter-alia, aimed to incorporate the above

guidelines, and certain other provisions regarding arrests, in the Code. It has also been proposed to insert a new section 357 (A) in Cr. P.C. to provide for compensation to the victims of all types of crimes including custodial crimes.

Section 176 of the Criminal Procedure Code has been amended vide the Code of Criminal Procedure (Amendment) Act, 2005 to provide that in case of death or disappearance of a person or rape of a woman while in the custody of police, there shall be a mandatory judicial inquiry and in case of death, examination of the dead body shall be conducted within twenty four hours of death.

Components relating to human rights have been incorporated in the training curriculum for police and Central Para Military Forces and police at all levels are being sensitized to issues related to human rights, including custodial violence/deaths, at the training stage itself.Seminars and Workshops are also regularly conducted by both the Bureau of Police Research and Development as well as the State Police authorities on human rights issues.